THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18865 OF 2005

DATE:20.09.2005

Between:

P.Jyothi, aged 32 years,

D/o.Narayan, H.No.17-88/7A, Srinagar Colony,

Nagerkurnool, Mahabubnagar District and others

…… Petitioners

And

The State Convenor, L.P.CET 2004-2005 and

Regional Joint Director, School Education, Hyderabad,

At Government Junior College premises, Kachiguda, Hyderabad.

…… Respondents

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 18865 of 2005

ORDER:

The petitioners have appeared in the entrance examination conducted for selection of candidates for admission into the 'Hindi and Telugu Pandit Training Courses'. The respondent has reserved 3% of the seats in favour of physically handicapped candidates. Petitioners claim that they have suffered deformity or handicap of one form or the other and that they are eligible to be considered for admission against the seats reserved in favour of physically handicapped candidates. Their grievance is that though they hold necessary certificates to the effect that they have suffered

handicap to the extent of 40% and above, their cases have not been considered. They seek appropriate directions.

The respondent filed a counter affidavit as well as the copies of the relevant documents. It is stated that in the rules of admission issued in G.O.Rt.No.201, dated 21.03.2005, it has been stipulated that the verification of genuinity of the claims of physically handicapped candidates would be undertaken by a team comprising of three doctors sponsored by the Director of Medical Education. It is also stated that the petitioners were not found eligible by the team of doctors and that no exception can be taken in the denial of admission to the petitioners.

Heard the learned counsel for the petitioners and the learned Government Pleader for School Education.

The petitioners have produced the certificates issued by the Authorities recognized under G.O.Ms.No.27 dated 09.08.2000, (Women Development, Child Welfare and Disabled Welfare Department) to the effect that they are handicapped. With a view to ensure that only those candidates who have genuine physical handicap are extended the benefit of admission, the respondent constituted a committee of doctors, as provided for under the admission rules, for the purpose of verification of the existence or extent of physical handicap. No exception can be taken to the procedure adopted by the respondent in this regard. The record placed before this Court, however, discloses that except making endorsements to the effect that the candidates are eligible or ineligible, the committee did not indicate the reasons for rendering the candidates, particularly the petitioners, ineligible.

It hardly needs any emphasis that the certificate issued by a competent authority enables the petitioners to make a claim for being considered for admission against the seats reserved in favour of physically handicapped persons. Such a right can be taken away, only by demonstrating that the claim put forward by the petitioners does not accord with the requirements. Mere observation that a candidate is eligible or ineligible does not take the matter further. It has to be kept in mind that such endorsements have the effect of nullifying the certificate issued by a competent authority. The nature of discrepancy, noticed during the physical verification on the one hand, and the one indicated in the certificate on the other, needs to be pointed

out. In the instant case, it becomes all the more necessary because of the reason that nearly 100 seats earmarked for physically handicapped persons are left unfilled, on the ground that the eligible candidates are not available.

For the foregoing reasons, the writ petition is disposed of directing the respondent to cause the evaluation of the physical handicap of the petitioners by the team of doctors, in such a way that the nature of their handicap, the percentage thereof and the reasons, if any, for rendering them ineligible shall be clearly pointed out, during the second phase of counselling. It goes without saying that if the petitioners are found to be eligible, they shall be admitted against the seats reserved in favour of that category. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

20th SEPTEMBER, 2005.

Note: Issue C.C. by 21.09.2005

(B/o) TS

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